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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 The Church of the Eagle and the Condor, *et*
13 *al.*,

14 Plaintiffs,

15 v.

16 Merrick Garland, *et al.*,

17 Defendants.

Case No. 2:22-cv-01004-PHX-SRB

**PLAINTIFFS' MOTION TO
FILE DOCUMENT UNDER SEAL**

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19 The document filed with this Court as Exhibit A to *Plaintiffs' Reply In Support of*
20 *Plaintiffs' Motion for Attorneys' Fees and Related Non-taxable Expenses*, and entered as
21 Docket No. 60-1, is subject to a protective order. A true and correct copy of the protective
22 order is attached to this Motion as Attachment A. The Protective Order states, at Paragraph
23 9, "Notwithstanding Paragraph 7 of this Order, Documents designated "Confidential -
24 Subject to Protective Order" or a similar marking may be disclosed to the following: a. *The*
25 *Court and its official personnel;...*" (emphasis added).

26 Exhibit A to *Plaintiffs' Reply In Support of Plaintiffs' Motion for Attorneys' Fees*
27 *and Related Non-taxable Expenses* is in response to Defendants' disingenuous claim that,
28 "Plaintiffs never reached out to DEA, communicated with DEA, or applied through the

1 Guidance process designed to address the exact factual scenario facing them. Had they
2 taken that path, the parties could have reached the same outcome without litigation.” (Doc.
3 59, at p. 14, ln 3-6). Defendants’ assertion is clearly erroneous given their own admission
4 that no applicant under the DEA’s Religious Exemption Petition Process has ever received
5 an exemption from the CSA.

6 Plaintiffs respectfully request that this Court issue an Order permitting Plaintiffs to
7 file an unredacted copy of Exhibit A to *Plaintiffs’ Reply In Support of Plaintiffs’ Motion*
8 *for Attorneys’ Fees and Related Non-taxable Expenses* under seal.

9
10 Dated: July 8, 2024

By: s/ Jack Silver
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